

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES OF AMERICA

CASE NUMBER

v.

3:98cr73/RV

JONATHAN HUEY LAWRENCE

AMENDED NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by and through the undersigned Assistant United States Attorney, and pursuant to 18 U.S.C. § 3593(a), hereby amends its previously-filed Notice to the Court and the defendant in the above-captioned case of Intent to Seek the Death Penalty. The United States believes the circumstances of the offense charged in the Indictment in this case are such that, in the event of a conviction, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and the United States will seek the sentence of death for the offense of murder, in violation of 18 U.S.C. § 1111, which carries a possible sentence of death.

The United States proposes to prove the following factors as justifying a sentence of death:

A. **Statutory Proportionality Factors Enumerated under 18 U.S.C. § 3591(a)(2)(A)-(D)**

1. **Intentional killing.** The defendant intentionally killed Justin Livingston.

Section 3591 (a)(2)(A).

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PENSACOLA, FLORIDA
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2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Justin Livingston. Section 3591 (a)(2)(B).

3. **Intentional Acts to Take Life or Use Lethal Force.** The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Justin Livingston died as a direct result of the act. Section 3591 (a)(2)(C).

B. **Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c)**

1. **Heinous, Cruel, or Depraved Manner of Committing Offense.** The defendant committed the offense in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse to Justin Livingston. Section 3592(c)(6).

2. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of Justin Livingston. Section 3592(c)(9).

3. **Vulnerability of Victim.** The victim, Justin Livingston, was particularly vulnerable due to a mental infirmity. Section 3592(c)(11).

C. **Other, Non-Statutory Aggravating Factors Identified under 18 U.S.C. § 3593(a)(2)**

1. **Other serious acts of violence.** The Defendant has participated in other serious acts of violence, including but not limited to one or more of the following:

a. On or about March 29, 1998, in Santa Rosa County, Florida, the defendant unlawfully from a premeditated design to effect the death of Leighton Smitherman, did attempt to kill and murder Leighton Smitherman by shooting him in the neck.

b. On or about May 7, 1998, in Santa Rosa County, Florida, the defendant unlawfully from a premeditated design to effect the death of Jennifer Robinson, did kill and murder Jennifer Robinson by shooting her in the head.

c. On or about May 7, 1998, in Santa Rosa County, Florida, the defendant did unlawfully mutilate and otherwise grossly abuse a dead human body, to wit: the body of Jennifer Robinson, by cutting off and dissecting her calf muscle and cutting her scalp.

Respectfully submitted,

P. MICHAEL PATTERSON
United States Attorney



MICHELLE M. HELDMYER
Fla. Bar No. 616214
Asst. U. S. Attorney
114 East Gregory Street
Pensacola, FL 32501-4972
904-434-3251

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing pleading has been sent via U.S. mail

to:

Thomas S. Keith
Asst. Federal Public Defender
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41 North Jefferson Street
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Counsel for Defendant Lawrence

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Denise LeBoeuf, Esq.
Loyola Resource Center
636 Baronne Street
New Orleans, LA 70113
Co-Counsel for Defendant Rodgers

on this the 23rd day of February 1999.



MICHELLE M. HELDMYER
Assistant U.S. Attorney

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NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by and through the undersigned Assistant United States Attorney, and pursuant to 18 U.S.C. § 3593(a), hereby notifies the Court and the defendant in the above-captioned case that the United States believes the circumstances of the offense charged in the Indictment in this case are such that, in the event of a conviction, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the United States will seek the sentence of death for the offense of homicide, in violation of 18 U.S.C. § 1111, which carries a possible sentence of death.

The United States proposes to prove the following factors as justifying a sentence of death:

A. **Statutory Proportionality Factors Enumerated under 18 U.S.C. § 3591(a)(2)(A)-(D)**

1. **Intentional killing.** The defendant intentionally killed Justin Livingston. Section 3591 (a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Justin Livingston. Section 3591 (a)(2)(B).

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PENSACOLA, FLA.

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3. **Intentional Acts to Take Life or Use Lethal Force.** The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Justin Livingston died as a direct result of the act. Section 3591 (a)(2)(C).

4. **Intentional Acts of Violence.** The defendant intentionally engaged in conduct which he knew would create a grave risk of death to a person, other than one of the participants in the offense, and that resulted in the death of the victim. Section 3591 (a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592©

1. **Heinous, Cruel, or Depraved Manner of Committing Offense.** The defendant committed the offense in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse to Justin Livingston. Section 3592(c)(6).

2. **Substantial Planning and Premeditation.** The defendant committed the Offense after substantial planning and premeditation to cause the death of Justin Livingston. Section 3592(c)(9).

3. **Vulnerability of Victim.** The victim, Justin Livingston, was particularly vulnerable due to infirmity. Section 3592(c)(11).

C. Other, Non-Statutory Factors Identified under 18 U.S.C. § 3593(a)(2)


1. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others. *Simmons v. South Carolina*, 114 S.Ct. 2187, 2193 (1994). In addition to the capital

offenses charged in the Indictment and the statutory and non-statutory aggravating factors alleged in this Notice, the defendant has demonstrated low rehabilitative potential, and/or has demonstrated lack of remorse. In addition, the defendant has engaged in a continuing pattern of violent conduct including but not limited to the following:

a. On or about March 29, 1998, in Santa Rosa County, Florida, the defendant did unlawfully from a premeditated design to effect the death of Leighton Smitherman, did attempt to kill and murder Leighton Smitherman by shooting him in the neck.

b. On or about May 7, 1998, in Santa Rosa County, Florida, the defendant did unlawfully from a premeditated design to effect the death of Jennifer Robinson, did kill and murder Jennifer Robinson by shooting her in the head.

Respectfully submitted,



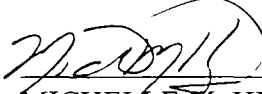
P. MICHAEL PATTERSON
United States Attorney



MICHELLE M. HELDMYER
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing pleading has been sent via U.S mail and telefax to Thomas Keith, Assistant Federal Public Defender, 41 North Jefferson Street, Suite 301, Pensacola, Florida, 32501.



MICHELLE M. HELDMYER
Asst. U. S. Attorney